

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Civ. No. 08-5133 (RHK/JSM)

TONY MAGHRAK, as Chairman and  
BRUCE YOUNG, as Secretary of the IBEW  
Local No. 292 Health Care Plan; TONY MAGHRAK,  
as Chairman and BRUCE YOUNG, as Secretary  
of the Electrical Workers Local No. 292 Pension  
Fund; TONY MAGHRAK, as Chairman and  
BRUCE YOUNG, as Secretary of the Electrical  
Workers Local No. 292 Annuity & 401(k) Fund;  
TONY MAGHRAK, as Chairman and  
BRUCE YOUNG, as Secretary of the Electrical  
Workers Local No. 292 Vacation & Holiday Fund;  
TONY MAGHRAK, as Chairman and  
BRUCE YOUNG, as Secretary of the Minneapolis  
Electrical Industry Board/JATC/LMCC; and each of  
their successors,

**ORDER**

Plaintiffs,

vs.

TEHC ELECTRIC OF MINNESOTA, INC.,

Defendant.

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This matter is before the Court on Plaintiffs' Motion for Summary Judgment (Doc. No. 26). No opposition to the Motion has been filed. A hearing was held on the Motion on August 19, 2009, at which Defendant failed to appear.

Having reviewed the Motion and the supporting Memorandum of Law, and based on all the files, records, and proceedings herein, **IT IS ORDERED** as follows:

1. Plaintiffs' Motion is **GRANTED IN PART**. Plaintiffs are entitled to a Judgment against Defendant for fund contributions owed (1) pursuant to Defendant's Chapter 11 Plan (covering the period February 2007 to October 2007) and (2) for the period May 2008 through the date of this Order. The amount of the Judgment shall be determined based on further submissions to the Court, as set forth in paragraph 3 below;

2. Within ten days of being served with this Order, Defendant shall submit fringe fund reports for the period March 2009 through the date of this Order to Plaintiff at the IBEW Local 292 Fringe Benefit Funds, 5100 Gamble Drive, Suite 430, St. Louis Park, MN 55416, correctly identifying hours worked by employees pursuant to the Inside Agreement. **Defendant's failure to comply with the foregoing may result in the imposition of sanctions in an amount above and beyond that due to Plaintiffs under the Inside Agreement**; and

3. After calculating the total amount due from Defendant, including the amount due for the months March 2009 through the date of this Order, Plaintiffs shall serve and file an Affidavit or other document indicating the total amount due. The Court will then enter a final Judgment.

Date: August 20, 2009

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge